

REMARKS/DISCUSSION OF ISSUES

Claim Summary

By this Amendment, claim 1 has been canceled, without prejudice and without disclaimer of the subject matter. Claim 3 has been amended into independent form to substantially include the subject matter of claim 1. Claims 2 and 4 have been amended to correct informalities and to clarify the claim language.

Claims 2-4 remain pending in the application. Applicants respectfully submit that all pending claims are in condition for allowance.

Rejections under 35 U.S.C. § 103

In the Office Action, dated November 29, 2007, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over FEUCHT et al. (U.S. Patent Application Publication No. 2006/0125489) in view of KOBRIN et al. (U.S. Patent No. 5,936,150). The Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over FEUCHT et al. in view of KIM. (U.S. Patent No. 6,293,136). Applicants respectfully traverse the rejections for at least the reasons set forth below.

Without admitting to the propriety of the Examiner's rejections of claim 1, Applicants have canceled claim 1, without prejudice and without disclaimer of the subject matter. Therefore, the rejections of claim 1 are moot.

With respect to claims 2-4, it is respectfully submitted that the currently-pending claims are patentably distinguishable over the cited and applied references for the reasons detailed below. Since claim 3 was amended into independent form to substantially include the subject matter of claim 1, and claims 2 and 4 were amended to correct informalities and to clarify the claim language, Applicants submit that the amendments do not raise any new issues requiring further search or consideration. It is also submitted that the present amendment does not raise the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance.

More specifically, with respect to claim 3, the Examiner acknowledges that FEUCHT et al. do not disclose a sensor comprising a plurality of individually addressable resonators, and therefore

relies on KIM, in combination with FEUCHT et al., to teach the same. However, the Examiner does not identify any portion or specific teachings of KIM that discloses "individually addressable resonators," which is the Examiner's burden. See, e.g., MPEP § 706.02(j) ("[T]he examiner should set forth in the Office action: ... the relevant teaching of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate"). The Examiner merely states that "Kim discloses the idt's, the acoustic reflector, and different coatings." Office Action, p.3. The Examiner does not say that KIM discloses multiple resonators, nor where in the KIM disclosure multiple resonators are discussed.¹

Further, with respect to claim 3, the Examiner acknowledges that FEUCHT et al. do not disclose an acoustic reflector, and therefore relies on KIM, in combination with FEUCHT et al., to teach the same. However, again, the Examiner does not specifically identify any portion of KIM that discloses "an acoustic reflector," making the basis of the rejection unclear. Applicants note that the only apparent mention of a reflector in KIM is the reflector(s) 122 shown in FIGs. 2A and 2B. However, the reflectors 122 are "[f]ormed on the piezoelectric material 112," along with the electrodes 117 (and 117'). See FIGs. 2A, 2B; col. 3, lines 30-32 (emphasis added). In contrast, claim 3 recites that the acoustic reflector is between the piezoelectric layer and the substrate, not on the piezoelectric layer (i.e., "a piezoelectric layer separated from the substrate by the acoustic relector"). Rather, KIM clearly shows no acoustic reflector being present between a piezoelectric layer and a substrate. In fact, such a construction would be impossible because the piezoelectric layer of KIM is, in fact, the substrate. See, e.g., col. 3, lines 43-44.

Accordingly, withdrawal of the rejection of claim 3, as amended, based on the combination of FEUCHT et al. and KIM is respectfully requested.

With regard to claims 2 and 4, Applicants assert that they are allowable at least because they depend from independent claim 3, which Applicants submit have been shown to be allowable, and in view of their additional recitations of novelty.

¹ The "idt's" apparently are "interdigital transducers," which the Examiner appears to equate to first and second electrodes, not multiple addressable resonators.

Conclusion

No other issues remaining, reconsideration and favorable action upon the claims 2-4 now pending in the application are requested.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:

Phillips Electronics North America Corp.



by: Van C. Ernest (Reg. No. 44,099)

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